

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEHZADI & BRENJIAN CARPET
Plaintiff,

**ANSWER TO AMENDED
COMPLAINT**

-against-

Docket No. 07-CV-7073

Judge/Magistrate Judge: Barbara S. Jones/Douglas F. Eaton

DAVID & SON ORIENTAL ANTIQUE
RUGS CORPORATION and
DAVID SHADAN

Defendant(s).

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Defendants, David & Son Oriental Antique Rugs Corporation (“David & Son”) and David Shadan (“Shadan”), by and through their counsel, the Law Office of James J. Corbett, hereby submit their Answer to the Amended Complaint as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph “1” of the plaintiff’s amended complaint and denies defendants breached multiple agreements to purchase various carpets.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “2” and refers all questions of law to the Court.
3. With regard to paragraphs “3”, “5” and “6” refers all questions of law to the court.
4. With regard to paragraph “4” denies Shadan resides at 630 First Avenue, New York, New York.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "7", "8", "9", "10", "11", "15", "16", "17", "18", "19", "23", "24", "25", "26", "27" and "32" of the plaintiff's amended complaint.

6. Denies the allegations contained in paragraphs "12", "13", "14", "20", "21", "22", "28", "29" and "30" of the plaintiff's amended complaint.

7. With regard to paragraphs "31" denies knowledge or information sufficient to form a belief as to the truth of the allegation that from September 3, 2003 to October 11, 2003, Oriental Antique Rugs paid \$96,964.00 to plaintiff, via five (5) different wire transfers and denies the remainder of the allegations.

**AS AND FOR AN ANSWER TO
PLAINTIFF'S FIRST CLAIM FOR RELIEF**

8. With regard to paragraph "33", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "7" of defendants' answer with the same force and effect as if repeated herein at length.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "34", "35" and "36" of the plaintiff's amended complaint.

10. Denies allegations contained in paragraphs "37" and "38" of the plaintiff's amended complaint.

**AS AND FOR AN ANSWER TO
PLAINTIFF'S SECOND CLAIM FOR RELIEF**

11. With regard to paragraph "39", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "10" of defendants' answer with the same force and effect as if repeated herein at length.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "40", "41" and "42" of the plaintiff's amended complaint.

13. Denies allegations contained in paragraphs "43" and "44" of the plaintiff's amended complaint.

**AS AND FOR AN ANSWER TO
PLAINTIFF'S THIRD CLAIM FOR RELIEF**

14. With regard to paragraph "45", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "13" of defendants' answer with the same force and effect as if repeated herein at length.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "46", "47" and "48" of the plaintiff's amended complaint.

16. Denies allegations contained in paragraphs "49" and "50" of the plaintiff's amended complaint.

**AS AND FOR AN ANSWER TO
PLAINTIFF'S FOURTH CLAIM FOR RELIEF**

17. With regard to paragraph "51", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraph "1" through "16" of defendants' answer with the same force and effect as if repeated herein at length.

18. Denies allegations contained in paragraphs "52", "53", "54", "55" and "56" of the plaintiff's amended complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S FIFTH CLAIM FOR RELIEF

19. With regard to paragraph "57", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraphs "1" through "18" of defendants' answer with the same force and effect as if repeated herein at length.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs "58" and "59" of the plaintiff's amended complaint.

21. Denies allegations contained in paragraphs "60" and "61" of the plaintiff's amended complaint.

AS AND FOR AN ANSWER TO
PLAINTIFF'S SIXTH CLAIM FOR RELIEF

22. With regard to paragraph "62", defendants repeat, reiterate and reallege each and every denial, and denial of information contained in paragraphs "1" through "21" of defendants' answer with the same force and effect as if repeated herein at length.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph "63" of the plaintiff's amended complaint.

24. Denies allegations contained in paragraphs "64" and "65" of the plaintiff's amended complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Statute of Frauds.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Plaintiff fails to state a cause of action against defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over this action.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Plaintiff is estopped from bringing this action.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole, or in part, by the applicable statute of limitations.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by laches.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

Any damages sustained by plaintiff are a result of its own wrongful and unlawful conduct.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate any alleged damages.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of forum non conveniens.

WHEREFORE, the defendants, David & Son Oriental Antique Rugs Corporation and David Shadan, demand judgment as follows:

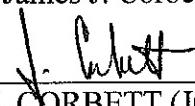
- (a) Dismissing the complaint in its entirety;
- (b) For its costs and disbursements including reasonable attorneys' fees;
and

(c) For such other and further relief as the Court deems just, equitable and proper.

Dated: Bellmore, New York
December 21, 2007

Yours, etc.,

Law Office of James J. Corbett

By: 
JAMES J. CORBETT (JC6658)

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